

CONCEPTUALIZING
FREEDOM:

M.N. ROY'S
REVOLUTIONARY
BLUEPRINT FOR
INDIA'S
CONSTITUENT
ASSEMBLY

SHALU NIGAM

2025

**Conceptualizing Freedom:
M.N. Roy's Revolutionary Blueprint for India's
Constituent Assembly**

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About this Work

M.N. Roy first proposed the idea of convening a Constituent Assembly in 1928, amid opposition to the Simon Commission. He argued that Indians must independently frame their Constitution, rejecting any Assembly under British control as lacking true sovereignty. Roy envisioned the Constituent Assembly as a revolutionary and democratic body arising from mass struggle, not a mere legal formality. Over time, he developed this vision through speeches and writings. He also advocated for including Fundamental Rights, as seen in the 1931 Karachi Resolution. For Roy, constitution-making was a transformative act of collective political will, rooted in the people's active participation. He also authored the draft Indian Constitution in 1944, which was circulated by the Radical Democratic Party.

This work argues that Roy's conception of the Constituent Assembly differed from his contemporaries and extended far beyond the procedural mechanics of constitution-making. For Roy, constituting the Constituent Assembly was a radical, democratic, and revolutionary project rooted in the active participation of informed, conscientious citizens addressing the immediate concerns of the masses.

If applied today, Roy's vision could serve as a powerful reminder of the importance of participatory democracy. It underscores the need for civic engagement, transparency, and public accountability in constitutional governance—especially in times when democratic institutions are under stress. His ideas remain relevant as they challenge us to envision constitution-making not as a bureaucratic task but as a continuous, inclusive, democratic, people-driven process.

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Preface and Acknowledgement

India's freedom struggle is a vast, vibrant, and deeply layered chapter of history. Countless individuals participated in this revolutionary movement—some are widely celebrated, while others remain forgotten. Yet each played a vital role in the fight for independence. Importantly, their efforts went beyond demands for political freedom; they were deeply engaged in reimagining broader ideals of liberty, justice, and equality.

What we, as students, typically learn in schools, colleges, or law institutions barely scratches the surface of our history. The curriculum often reduces rich and complex events to dry, simplified narratives, overlooking the fascinating and deeply complex human interventions that bring life to that era. The most compelling and inspiring aspects of our freedom struggle are buried beneath layers of rote learning and textbook summaries, depriving us of a true understanding of its depth, passion, and relevance.

I am not a formal student of history. Yet, when I began to explore the creation of the Indian Constitution and delve into the origins of the Constituent Assembly, I found myself deeply moved in ways I had not anticipated. What started as a casual inquiry soon transformed into a profound journey to understand the freedom struggle. As I read about the ideological foundations that underpinned the Assembly's work and the diverse, passionate individuals who came together to draft a vision for independent India, it felt as though I had been transported back in time—nearly a century ago.

I could almost see myself walking alongside these extraordinary men and women, witnessing their tireless efforts amid immense hardship: the weight of colonial oppression, the grip of widespread poverty, the struggle to communicate across vast and fractured lands, and the dangers of imprisonment, surveillance, and political violence. Despite such challenges, they shared a revolutionary spirit and a fiery commitment to build a free, inclusive, equal, and just nation—a radical dream in a world deeply mired in imperialism, discrimination, and injustice. This revolutionary zeal is needed today, perhaps in a different form.

As I pored over their speeches, debates, and proposals, I was mesmerized by their intellectual brilliance, sharp political insight, deep emotional resilience, and unshakable moral courage. These were visionaries and dreamers. These were not distant, abstract figures in history but real individuals facing unusual challenges, striving to create a better world for future generations. Their struggles, debates, and dreams serve as a reminder that freedom wasn't simply handed to us—it was earned through extraordinary determination and vision. Reflecting on their journey, I feel not just informed but deeply connected to a legacy that is humbling and inspiring. Learning about the people who helped shape our Constitution has made me realize that freedom wasn't a one-time victory; it's a cherished ideal we must actively uphold and defend every day.

What strikes me most is how relevant those foundational debates still are today. The issues that preoccupied the framers of the Constitution—social justice, representation, civil liberties, federalism, and equality—these continue to shape the present political and legal landscape. In contemporary times, when the meaning of democracy is constantly being tested and dissent is

viewed as a threat rather than a democratic right, revisiting the roots of our constitutional journey becomes not only relevant but also necessary.

Today's world is vastly different in terms of technology, economy, and global standing, yet the core questions of equity, inclusion, and justice persist. Who has access to power? Why are some voices more privileged than others? How do we safeguard the fundamental rights of the marginalized while striving for development? These are not new dilemmas. They echo the very concerns raised by the progressive vision of freedom fighters almost a century ago.

In this sense, understanding the making of the Constitution is not just about looking back; it's about learning how to move forward. It's a reminder that ordinary citizens, through courage and conviction, can shape the nation's destiny. And that the India we live in today was imagined, fiercely debated, and painfully fought for, by people who believed in the power of democratic transformation. The history of the freedom struggle teaches us not to take our democracy for granted, but to critically engage with it and question, participate, and protect the values that underpin it. As I have previously stated elsewhere, I reiterate that this vibrant legacy belongs to us all. We need to carry it forward to provide a secure future to the coming generations.

The Indian Constitution is a vital bulwark against rising authoritarianism—an enduring testament to democratic values, individual freedoms, and social justice. Yet, as we engage with this living document, it is essential to revisit questions such as: How was it conceived? Who imagined the idea of a Constituent Assembly? This work seeks to uncover those early visions, particularly of M.N. Roy, a pioneering thinker whose contributions have long remained buried under the sediment of history. Unlike many of his contemporaries, Roy saw the Constituent Assembly not as a political mechanism but as a radical instrument for reshaping society.

Roy's philosophy of Radical Humanism is particularly compelling, offering a unique lens to understand individual freedom and collective progress. For Roy, freedom meant more than political independence—it was a moral and social condition enabling individuals to pursue purpose, critical inquiry, creativity, and realizing their full potential. This broader vision echoed in post-colonial movements when the women's movement voiced "*Meri behnein maange azaadi*" (My sisters yearn for freedom from discrimination and violence) or the 2016 JNU protests, where *Azaadi* symbolized freedom from exploitation, poverty, hunger, hierarchies, and systemic injustice.

Notably, Roy was the first Indian to advocate for convening a Constituent Assembly as early as 1928—well before it became a mainstream political demand. For Roy, the idea of a Constituent Assembly was not merely a procedural or administrative necessity; he envisioned it as a revolutionary tool for reshaping society on rational and democratic foundations. His conception of the Assembly radically differed from that of his contemporaries—rooted in a deeper philosophical commitment to individual liberty, secularism, and social transformation.

In 1944, M.N. Roy authored a *draft constitution* that was made available for public discussion by the Radical Democratic Party, demonstrating his dedication to democratic participation and political transparency. Simultaneously, he introduced the *People's Plan for Post-war Economic Reconstruction in India*, a comprehensive blueprint aimed at eliminating poverty, addressing underdevelopment, and advancing industrial growth across the country.

Notably, Roy had earlier advocated for the inclusion of fundamental rights in the Congress Resolution adopted at Karachi in 1931—an idea that would later become a cornerstone of the Indian Constitution. Though largely forgotten today, Roy remains an unsung hero. This work explores his unique vision for the Constituent Assembly, highlighting his progressive ideals and examining their lasting relevance in contemporary constitutional and political discourse.

I express my heartfelt gratitude to Adv ND Pancholi for introducing me to MN Roy's rich legacy and his valuable work. Roy is a global intellectual whose work is truly fascinating, yet much of it has remained obscured beneath the layers of history for various reasons. Despite the depth and relevance of his contributions, they have not received the widespread recognition they deserve. Uncovering and re-engaging with Roy's work offers an opportunity to regain critical insights that resonate in today's world.

In today's world, where history is at risk of distortion or erasure—where power seeks to rewrite the past, the legacy of founders such as Roy or the fifteen founding mothers of the Indian Constitution stands as a reminder and a challenge. It reminds us that the values enshrined in the Constitution were not given freely, but won through unimaginable struggle and sacrifice. And it challenges us to protect those values, to carry forward their legacy with the same courage and clarity of purpose.

In the ongoing battle between memory and forgetting, between truth and manipulation, we must choose to remember and stand with the truth. We must choose to honour the spirit of those who came before us—not as distant icons, but as living inspirations whose dreams are yet unfinished. The making of the Indian Constitution is not just a legal or political achievement; it is a testament to what hope, unity, and relentless conviction can create against all odds. It is a struggle worth knowing, cherishing, and defending.

This study was conducted without any institutional funding or external support. While I have taken care to reference all sources accurately, I take full responsibility for any errors that may have inadvertently occurred.

This work is a labour of love for the cause of justice. Dedicated to the treasured legacy of MN Roy, this work is driven purely by a commitment to truth and intellectual integrity. It seeks to revive the rich and overlooked legacy of India's constitutional imagination.

Shalu Nigam

3 June 2025

Introduction

“The lesson of history thus is that a Constituent Assembly is the creation of a people in revolt. A new Constitution can be enforced only by overthrowing that established State. Whenever an effort was made to make a compromise between the two, or to limit the power of the established State by legislation reluctantly permitted by it, the result was victorious counter revolution. The old State reasserted its power and overthrew the new. A new Constitution can be framed by a people engaged in the struggle for capturing political power; and a Constituent Assembly serves as the instrument for the capture.”¹

Roy MN (1940)

The idea of convening a Constituent Assembly to draft the Constitution of a free India was first proposed by M.N. Roy in 1928². This was in response to the appointment of the Simon Commission and the widespread boycott it faced from Indian citizens and political leaders. In this broader context of India's struggle for self-determination, Roy emphasized that Indians must take the initiative to frame the Constitution as a clear alternative to colonial domination. He was deeply sceptical of any such body elected under British authority, arguing that such a forum would inevitably remain subservient to imperial interests and lack genuine sovereignty.

Roy insisted that a truly representative and transformative Constituent Assembly must emerge organically from the people's struggle for power. It should not operate within the constraints of the colonial legal framework but should instead function as a revolutionary body capable of reshaping the socio-political order. Over time, he developed this vision through speeches and writings, criticizing the Indian National Congress for its delayed and cautious embrace of the idea. Roy argued that any meaningful constitution must result from a revolutionary upheaval.

This piece argues that Roy's conception of the Constituent Assembly differed from his contemporaries and extended far beyond the procedural mechanics of constitution-making. For Roy, constituting the Constituent Assembly was a radical, democratic, and revolutionary project rooted in the active participation of informed, conscientious citizens addressing the immediate concerns of the masses. He saw constitution-making not merely as a legal exercise but as a foundational act of the collective political will of the masses.

If applied today, Roy's vision could serve as a powerful reminder of the importance of participatory democracy. It underscores the need for civic engagement, transparency, and public accountability in constitutional governance, especially in times when democratic institutions are under stress. His ideas remain relevant as they challenge us to envision constitution-making not as a bureaucratic task but as a continuous, inclusive, democratic, people-driven process.

¹ Roy MN (1940) On the Constituent Assembly, *Independent India*, IV(6) 11 February also available at https://www.academia.edu/127922358/On_the_Constituent_Assembly. Although Samaren Roy claimed that the idea of a Constituent Assembly was proposed by M.N. Roy in 1927, in this paper I refer to Roy's own statement indicating that he presented the idea in 1928. For details, please see Roy Samaren (1997) *MN Roy: A Political Biography*, Orient Longman Limited, Hyderabad.

² Roy MN (1940) On the Constituent Assembly, *Independent India*, n.1

Meaning and Purpose of the Constituent Assembly

The making of a constitution embodies the codification of people's aspirations arising from a prolonged struggle against oppressive rule. Acting as a representative body, the Constituent Assembly undertakes the momentous responsibility of drafting a constitutional framework that reflects the people's will and serves as the supreme law guiding principles of good governance³. The purpose of the Constituent Assembly is to deliberate and resolve for the common good⁴. One of the central functions of a Constituent Assembly is to articulate the fundamental laws and values essential for social life, thereby laying the foundation for a just socio-political order⁵.

The notion of the Constituent Assembly represented an effort to establish a new framework for political life by defining the fundamental principles of governance and the structure of state authority. Kay⁶ argued that the power to create a binding constitution lies with a constituent authority—a body endowed with the legitimate constituent power to establish rules applicable to all. A central responsibility of the Assembly was 'to outline a system of rights and duties that would form the basis for a just and progressive social order.'⁷

Some scholars interpret a constitution as a social contract between a newly established state and its people, symbolizing a commitment to democratization⁸. Rooted in the theory of agreement, the Constituent Assembly functioned not merely as a legislative body, but as a vital forum where diverse logics, perspectives, and voices converged to collectively shape the foundational principles of the new state⁹. Scholars often regard the Constituent Assembly as a moment of profound political imagination. It is considered an arena in which competing visions of justice, equality, and sovereignty are debated, negotiated, and ultimately codified into the constitutional framework¹⁰.

The Emergence of the Idea

The idea of the Constituent Assembly emerged in the eighteenth century in Western countries as a response to the arbitrary rule of monarchies¹¹. A notable precedent was set in 1787 when the Constitutional Convention in Philadelphia produced the American Constitution. This step, in turn, inspired the French National Constituent Assembly of 1789, which played a central

³ Scalia Laura J (1999) *America's Jeffersonian Experiment: Remaking State Constitutions, 1820-1850*, Northern Illinois University Press, DeKalb

⁴ Sherman HR (1917) *Constitutional Conventions, their Nature, Powers, and Limitations*, Toronto University Press, Canada.

⁵ Markoff, J. (1999). Where and When Was Democracy Invented? *Comparative Studies in Society and History*, 41(4), 660–690.

⁶ Kay Richard S. (2011) Constituent Authority. *The American Journal of Comparative Law*, 59(3), 715–761.

⁷ Appadorai, A. (1947). The Task Before the Constituent Assembly. *India Quarterly*, 3(1), 10–19.

⁸ Ghai Yash (2006) *The Role of Constituent Assemblies in Making Constitutions*, IDEA https://constitutionnet.org/sites/default/files/2017-08/the_role_of_constituent_assemblies_-_final_vg_-_200606.pdf

⁹ Srinivasan, N. (1940). The Theory of the Constituent Assembly. *The Indian Journal of Political Science*, 1(4), 376–392

¹⁰ Nigam, Aditya (2004). A Text without Author: Locating Constituent Assembly as Event. *Economic and Political Weekly*, 39(21), 2107–2113.

¹¹ Markoff J (1999) *supra* n. 5

role in the French Revolution. The French example established the model of the Constituent Assembly as the legitimate authority for constitution-making in times of political transformation. This tradition echoed globally as a model for subsequent developments worldwide¹².

In Canada, a constitutional convention was held in Quebec in 1864 to draft a self-governing constitution. In Germany, Austria, and Hungary, the path to constitutionalism involved popular uprisings and the military defeat of old regimes, after which elected representatives assumed the responsibility of constitution-making. Russia's 1917 revolution similarly saw the overthrow of the monarchy and the assertion of foundational constitutional principles by the revolutionaries. In Spain, a Constituent Assembly was elected to establish a democratic state replacing a decaying monarchy.

Hence, revolutions and freedom movements worldwide—whether in Europe, China, Russia, the Americas, or India—demonstrate a common historical pattern: Constitutions are often framed in the aftermath of collective struggle, when people's representatives convene to draft the fundamental law of a new state, challenging the legitimacy of the existing regime. These assemblies were not merely legal bodies but revolutionary forums, aiming to dismantle the old order and lay the foundation for democratic governance.

These historical episodes underline a recurring truth that constitutions are most enduring when born out of collective struggle and shaped by the active people's participation in defining the structure and values of their future state.

Early Demands for Constitutional Reform in India and the Colonial Response

In the early 1920s, the Indian National Congress began to explicitly assert demand for constitutional reforms, reflecting growing national consciousness and dissatisfaction with colonial rule¹³. One of the critical steps taken by the Congress was to raise the issue in the Indian Legislative Assembly, calling for the convening of a Roundtable Conference. The purpose of such a conference was to bring together Indian political leaders and British officials to deliberate on constitutional reforms and to lay the groundwork for a future Indian Constitution that would safeguard the rights and interests of the Indian people.

However, this demand was met with scepticism and strategic deflection by the British government. The then Secretary of State for India, Lord Birkenhead, rather than engaging constructively with the demand, challenged Indian leaders. He provocatively stated,

“We do not claim in Great Britain that we alone in the world are able to frame Constitutions, though we are not altogether discontented with the humble constructive efforts which we have made in this field of human ingenuity. But if our critics in India

¹² Srinivasan N (1940). The Theory of the Constituent Assembly. *The Indian Journal of Political Science*, 1(4), 376–392.

¹³ Singh GN (1941) The Idea of an Indian Constituent Assembly. *The Indian Journal of Political Science*, 2(3), 255–272.

are of the opinion that their greater knowledge of Indian conditions qualifies them to succeed, where they tell us that we have failed, [let them produce a Constitution which carries behind it a fair measure of general agreement among the great peoples of India.](#)¹⁴

This statement, while framed as a challenge, was deeply rooted in colonial attitudes of superiority and doubts about the unity of Indians. Birkenhead's remarks exploited the existing communal divisions in Indian society and suggested that Indians were incapable of reaching a consensus on constitutional matters without British oversight.

This challenge irked Indian nationalists and was perceived as dismissive and patronizing. It galvanized Indian political sentiment and exposed the British government's unwillingness to recognize India's right to self-determination. In a further blow to Indian aspirations, the British government announced the formation of the Simon Commission in November 1927. This commission was tasked with reviewing the workings of the Government of India Act of 1919 and recommending further constitutional reforms. However, the decision to appoint only British members to the commission, excluding all Indians, sparked widespread outrage.

The Simon Commission's composition was seen as a blatant denial of the Indian agency and further intensified agitation. This moment became a turning point in the Indian independence movement, as it fuelled the growing demand that the future constitution must be drafted by Indians themselves, through a truly representative body. It laid the intellectual and political foundation for the eventual formation of the Constituent Assembly, which would later frame the Constitution of independent India.

The Boycott of Simon Commission

The Simon Commission, chaired by Sir John Simon, was established in 1928 to propose constitutional reforms for British India. It arrived in [Bombay](#) on 3 February of that year. However, the Commission's lack of Indian representation sparked immediate and widespread outrage¹⁵. The idea that a body meant to shape India's political future would exclude Indians was seen as a blatant display of British imperial arrogance. Across the country, protests erupted. Demonstrators waved [black flags](#) and chanted slogans like "[Simon Go Back](#),"¹⁶ turning the Commission's visit into a powerful moment of unified resistance¹⁷.

The Indian National Congress with several other political parties and leaders, officially boycotted the Commission. For many, it became a rallying point for unity against colonial rule.

¹⁴ Speech delivered by Lord Birkenhead on 7 July 1925 in the House of Lords. <https://api.parliament.uk/historic-hansard/lords/1925/jul/07/india>

¹⁵ Digital District Repository (2023) Simon Commission in Patna, February 22, [Digital District Repository Detail | Digital District Repository | History Corner | Azadi Ka Amrit Mahotsav, Ministry of Culture, Government of India](#)

¹⁶ Digital District Repository (2023) Simon Commission Boycott in Guntur, January 12, [Digital District Repository Detail | Digital District Repository | History Corner | Azadi Ka Amrit Mahotsav, Ministry of Culture, Government of India](#)

¹⁷ Ministry of Culture, GOI (undated) Boycott of Simon Commission in Nellore, [Boycott of Simon Commission in Nellore | INDIAN CULTURE](#)

Nationalist leaders emphasized that, in keeping with the principle of self-determination or *Swaraj*, the Constitution of a free India must be drafted by Indians, through a body that truly represented the will of the people.

Roy¹⁸ saw this boycott as more than just a protest. According to him, it was a direct challenge to the British Parliament's authority over India's future and a confrontation with imperial domination. He urged Indian leaders to take on the role of revolutionaries and to develop a clear and concrete program of action to mobilize the oppressed masses in the struggle for freedom from colonial rule.

In direct response to the exclusionary nature of the Simon Commission, M.N. Roy for the first time proposed the idea of a Constituent Assembly in 1928. In February of that year, Roy¹⁹ argued that the demand for such an assembly represented a practical and affirmative assertion of the right to self-determination. Roy insisted that India's future constitution must be framed by a representative body, rooted in the principles of national reconstruction and reflecting the aspirations of the Indian people, rather than imposed by the colonial regime²⁰. Elsewhere, he wrote,

“Already in 1928, I suggested the idea of electing a Constituent Assembly as the instrument for India's right to self-determination....While disputing the authority of the British Parliament, the Indian people should set up an alternative authority. The idea of the Constituent Assembly means the determination of the Indian people to create an organ of power for asserting their right to self-determination.”²¹

Roy imagined the Constituent Assembly as a product of popular uprising—an instrument of the people's power, closely tied to their immediate needs and serving as a tool to rally the masses in the fight for national liberation. According to Roy, the Constituent Assembly's mission would be “*to enforce a programme for National Revolution*” and to ensure that political power remained with the people²². He passionately penned down:

“Let there be a Constituent Assembly elected with consciousness and active participation of the masses to decide if the overwhelming majority of Indian people

¹⁸ Roy MN (1928) *Constitution or A Programme?* The Masses of India, IV(3) March Issue p 5-9 reprinted in Ray Sibnarayan (1990) *Selected Work of MN Roy* Volume 3, OUP. P 149-156

¹⁹ Roy MN (1928) *Constituent Assembly*, The Masses of India IV(2) 4-7, February, reprinted in Ray Sibnarayan (1990) *Selected Work of MN Roy*, Volume 3, Oxford University Press, UK, p.143-148

²⁰ Roy MN (1940) *The Call for New Leadership, its Principles and Programmes: Letter to the Delegates to the Ramgarh Session of Congress*, Published in *Independent India* Vol VI (7) February 18. https://www.academia.edu/129441704/THE_CALL_FOR_A_NEW_LEADERSHIP_ITS_PRINCIPLES_and_PROGRAMME_Letter_to_the_delegates_to_the_Ramgarh_Session_of_the_Congress

²¹ Roy MN (1940) *On the Constituent Assembly* n. 1

²² Roy's vision of the programme of national revolution was wide and linked to the needs and concerns of the masses. The major points of this programme, according to Roy were: the establishment of a free democratic state; land nationalization and abolition of landlordism; the abolition of all taxes from peasants; eradicating peasant indebtedness; nationalization of public services such as railways, telegraph, mines, and waterways; ensuring minimum wages for workers besides eight hours work per day; improved working and housing conditions for workers; ensuring social security including unemployment, sickness, old-age, maternity and pension services; complete freedom of speech, press, and assembly; the right for the workers to strike against unjust conditions and the rights to carry arms. For details see Roy MN (1928) *Constituent Assembly*, The Masses of India IV(2) February issue, reprinted in Sibnarayan Ray (1990) *Selected Work of MN Roy*, Volume 3 OUP p. 143-148

demand the realization of this programme... Therefore, we propose the election of the Constituent Assembly and call upon the revolutionary nationalist, who really want to see their country free, to support this demand.”²³

Roy’s 1928 draft resolution proposes a revolutionary strategy that emphasizes the leadership of the working class, a united front with other oppressed classes, and an internationalist perspective tied to the global socialist revolution²⁴. He critiques the bourgeois-nationalist approach of the Indian independence movement and advocates for a comprehensive socialist transformation that includes the dismantling of both imperialism and feudalism. He envisioned a broader revolution where the oppressed actively participate in governance. He noted,

“The revolutionary democratic national state must be controlled by the oppressed majority. It will be a pyramidal structure based upon councils of delegates elected by the organisations of workers, peasants, employees, teachers, students, artisans, small traders, etc., etc. By uniting the legislative and executive functions in the delegates' councils (local, district, provincial, and national) a real democratic state power will be established. The rights of democracy will not remain confined to casting votes periodically. Peoples' representatives will not only make laws but will have the power and responsibility to enforce them. Such a system based on professional and economic interests will eliminate the question of communal (religious and caste) representation. The National Revolutionary Party must condemn the introduction of religion into politics.”²⁵

Roy²⁶ visualized the Constituent Assembly as a democratic weapon in the hands of the people, particularly the poor and the oppressed, to challenge imperialist absolutism. For him, it was not merely a formal body to draft a constitution but an instrument for achieving a national democratic revolution—crafted around the demands of the oppressed classes²⁷. He envisioned it as a representative assembly of workers, peasants, craftsmen, small traders, clerks, poor students, and possibly even soldiers—those who truly embodied the nation's aspirations.

Besides, obtaining political freedom from colonial rule, Roy was keen to end the exploitation of toiling masses. Haithcox²⁸ observed that the demand for the right to draft their own constitution through a Constituent Assembly was first circulated in a manifesto prepared by

²³ Roy MN (1928) *Constituent Assembly*, The Masses of India IV(2) 4-7, February, reprinted in Ray Sibnarayan (1990) *Selected Work of MN Roy*, Volume 3, Oxford University Press, UK, p.143-148 p. 148

²⁴ Roy MN (1928) *Draft Resolution of the Indian Question*, Documents of the History of CPI, p. 572-606 <https://www.marxists.org/archive/roy/1928/roy-28-draft-resolution.pdf>

²⁵ Ibid. p. 594-95

²⁶ Roy MN (1930) *The Tactical Problems of Indian Revolution*, Originally the English version was published in the *Revolutionary Ages*, I(18) August 1, Reprinted in Ray Sibnarayan (1990) *Selected Work of MN Roy*, Volume 3, OUP, UK p.481-85

²⁷ Roy MN (1931) *The Constituent Assembly*, originally published in the *Masses* 4(7) March issue, Reprinted in Ray Sibnarayan (1990) *Selected Work of MN Roy*, Volume 3, OUP, Delhi p. 524-35

²⁸ Haithcox, John Patrick (1969) *Left Wing Unity and the Indian Nationalist Movement: M. N. Roy and the Congress Socialist Party*. *Modern Asian Studies*, 3(1) 17–56.

Roy and shared among Congress members in 1930. This manifesto was later published in 1932 under the title *Our Task in India*²⁹ by Roy. He wrote that the

“battle of the Indian revolution will have to be fought and won in villages...For the peasants, the national revolution means the agrarian revolution – the expropriation of the princes and the landlords.”

Haithcox³⁰ described that at the inaugural conference of the Congress Socialist Party held in Bombay in 1934, the call for convening the Constituent Assembly was advanced as a key ‘Plan of Action’ to the forefront of the party’s programme.

Around the same time, the [Nehru Report](#) was prepared under the chairmanship of Motilal Nehru, the chairman and leader of the Swaraj Party. It aimed to present a cohesive vision of India’s political future and articulate a constitutional framework supported broadly across the country³¹. Roy³² critiqued this document, expressing frustration that its proposed actions failed to inspire mass mobilization. He emphasized his belief in the power of resistance led by workers and the peasant masses. He wrote,

“The mass demonstrations during the first visit of the Simon Commission showed that the country was prepared for such a fight; but the national bourgeoisie, while vituperating against the insolent challenge of imperialism, were reluctant to take up this challenge with courage. Imperialism knows the weakness of the Indian bourgeoisie and will concede very little. Ultimately, the nationalist bourgeoisie will accept responsible government in provinces and some superficial reform in general. The fight for real freedom thus finally devolves upon workers and peasant masses under independent class leadership.”³³

The All-Parties Conference held in December 1928 in Calcutta failed to reach a consensus on a common constitutional framework. However, momentum for complete self-rule continued to build. Pandit Jawaharlal Nehru later reflected in his autobiography that Congress leaders remained committed to the idea of a Constituent Assembly, even as immediate consensus proved elusive³⁴.

On 29 December 1929, the Indian National Congress formally adopted the historic *Purna Swaraj*, or complete independence resolution as its political objective in the [Lahore Session](#). A public declaration regarding the same was made on 26 January 1930³⁵.

²⁹ Sibnarayan Ray noted that Roy prepared this manifesto in prison despite severe restrictions which was secretly smuggled out and published by his followers. It formed the basis of their secret illegal organization, the Revolutionary Party of the Indian Working Class. For details, see Ray Sibnarayan (1985) *Selected Work of MN Roy* Vol. 1, OUP, Delhi p. 35

³⁰ *Op cit.*

³¹ Nehru Report prepared by the Committee headed by Motilal Nehru in 1928. <https://www.constitutionofindia.net/historical-constitution/nehru-report-motilal-nehru1928/>

³² Roy MN (1928) *The Indian Constitution*, International Press Correspondence, VIII (54) August 24, p, 954-5 reprinted in Sibnarayan Ray (1990) *Selected Work of MN Roy* Volume 3, OUP, p 159-163

³³ *Ibid.* p. 162

³⁴ Singh, GN (1941) *supra* n. 13

³⁵ <https://www.constitutionofindia.net/historical-constitution/declaration-of-purna-swaraj-indian-national-congress-1930/#:~:text=>

Despite widespread protests, the Simon Commission published its [report](#) in June 1930³⁶. While it proposed provincial autonomy and a federal structure for India, it notably rejected the idea of granting parliamentary responsibility at the central level. Furthermore, it recommended the continuation of separate electorates for different religious communities, a move that deepened communal divisions.

This report was condemned throughout India. Indian leaders expressed their discontent and boycotted the report³⁷. The Indian National Congress mistrusted the findings of this Commission and argued that it was unacceptable. Gandhi subsequently initiated the Civil Disobedience Movement. Further, a series of roundtable conferences were conducted between 1930 and 1932.

In 1933, the British government introduced the White Paper based on the outcomes of the three Round Table Conferences held in London. Though it did not directly endorse a Constituent Assembly, the idea began resurfacing in Indian political discourse by 1934, largely to counter the British proposals³⁸. The Congress Working Committee while refusing to accept the White Paper on the ground that 'it does not express the will of people of India' noted,

“The only satisfactory alternative to the White Paper is a constitution drawn up by a Constituent Assembly elected on the basis of adult franchise or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected exclusively by the electors belonging to such minorities.”³⁹

Meanwhile, Roy continued to assert his idea of the Constituent Assembly. In his 1930 essay *Lessons from the Lahore Congress*⁴⁰, he reiterated that the Constituent Assembly should be a sovereign body through which the masses could assert their right to self-determination, while 'repudiating the dogma of trusteeship.' He saw the Assembly not as a forum for abstract principles but as a practical mechanism to address the immediate and pressing concerns of the people—a comprehensive program for national revolution. He explained,

“The Constituent Assembly will thus, in the fullness of time, be elected as the organized expression of the will of the majority actively engaged in the struggle for the realization of a concrete programme. The resolution of such a democratic body growing out of a gigantic popular movement will represent the real 'National Demand' having the sanctions of the militant masses behind it. According to all established principles of democracy, its resolution will have the force of the law of the land.....Let the enemies – foreign and native – of the people do what they want and can to stand in the way of the millions and millions of slaves fighting for freedom and the right to human existence. Repression seldom kills a movement produced by the necessities of human progress. On the contrary, it has always quickened the revolution. What we can do is to avoid a

³⁶ Report of Simon Commission, <https://indianculture.gov.in/rarebooks/report-indian-statutory-commission-vol-i>

³⁷ Simon Report June 7, 1930 <https://www5.open.ac.uk/research-projects/making-britain/content/simon-report>

³⁸ Singh GN (1941) *supra*. N. 13

³⁹ As quoted by Austin Granville (1966) *The Indian Constitution: Cornerstone of A Nation*, Clarendon Press, Oxford. P. 1

⁴⁰ Roy MN (1930) *Lessons from the Lahore Congress*, In Ray Sibnarayan (1987) *Selected Work of MN Roy*, Volume 3, Oxford University Press, UK p. 370-388

premature clash with the enemy possessing superior forces. Let us have a clear vision of our goal and advance towards it systematically, gathering strength all the time, with courage, conviction, and a will to win”⁴¹.

Sibnarayan Ray⁴² noted that Roy clandestinely attended the Karachi Session of the Indian National Congress in 1931 and travelled extensively in Maharashtra, Uttar Pradesh, and other states to propagate his idea of Constituent Assembly before he was arrested by the police in the Cawnpore Conspiracy case on charges of sedition⁴³. Samaren Roy⁴⁴ elaborated that,

“At the Karachi Session Roy was able to influence the left-oriented Congress leaders, particularly Nehru, to propose a “Fundamental Rights” resolution by the Congress instead of proclaiming the Congress objective to be simply ‘independence’. The fundamental rights resolution, in the drafting of which Roy has a hand listed some important rights of workers and peasants as the objectives of the Congress.”

In his open letters to the Congress Socialist Party in May 1935, Roy⁴⁵ called for the launch of a comprehensive program that included mass agitation, the issuance of a manifesto, and organizational efforts to press for the establishment of a Constituent Assembly as a means to assert the right to self-determination. He wrote,

“Under a revolutionary leadership, its constitution, and its organization thoroughly democratized, the Congress may itself assume the function of the Constituent Assembly in a revolutionary crisis.”⁴⁶

On 20 November 1936, after his release from jail, Roy was elected as a member of the All-India Congress Committee. He advocated for developing Primary Committees of Congress as organs of struggle against imperialism and justice. He visualized the working of the Congress as the Constituent Assembly⁴⁷. In his address at Faizpur, Roy elaborated on his idea of the Constituent Assembly stating,

“A Constituent Assembly means nothing less than a challenge to the self-assumed prerogative of the British Government to dictate the political right of Indian people... For us the Constituent Assembly is not only an agitation and propaganda slogan but also a slogan for practical politics. When we raise the slogan, we raise the issue of capture of power.”⁴⁸

In his biography of M.N. Roy, Sibnarayan Ray⁴⁹ noted that through his periodical *Independent India*, launched in 1937, Roy promoted the idea of transforming Congress primary committees

⁴¹ Ibid. p 387.

⁴² Ray Sibnarayan (1987) *Selected Work of MN Roy*, Volume 1, OUP

⁴³ *Manbendra Nath Roy v Emperor* AIR 1933 All498

⁴⁴ Roy Samaren (1997) *MN Roy: A Political Biography*, Orient Longman Limited, Hyderabad. p 109

⁴⁵ Roy MN (1937) *Letters to Congress Socialist Party written in 1934, 1935, and 1936*, Renaissance Publishing Company Bombay and reprinted in Volume 4 of *Selected Work of MN Roy* by Sibnarayan Ray (1990) OUP, Delhi

⁴⁶ Ray Sibnarayan (1990) *Selected Work of MN Roy* Volume 4, OUP, p. 291

⁴⁷ Ray Sibnarayan (1988) *Selected Work of MN Roy, Vol 2*, OUP, Delhi p. 22

⁴⁸ Amrit Bazar Patrika, Calcutta 25 November 1936

⁴⁹ Ray Sibnarayan (1987) *Selected Work of MN Roy*, Volume 1, OUP, Delhi

into dynamic and effective people's committees. These committees, he argued, should serve as tools for the independence struggle and a broader social revolution.

“Roy advocated the transformation of Congress primary committees into active and effective people’s committees which were to be instruments for struggles for independence and social revolution and the network of which was to provide the basis of an alternative people’s government to the British Raj in India. He continued to advocate the crucial importance of the Constituent Assembly which would declare India’s independence and commit the country to a democratic political system, an agrarian revolution, and a secular scientific outlook.”⁵⁰

At the Haripura Session of the Congress in 1938, Roy called on the Congress to energize the primary Congress Committees and present a clear, actionable plan. His objective was to develop the organization from the ground up, strengthen democratic structures at the base, and empower local people’s committees to educate the public on revolutionary principles⁵¹.

Subsequently, in various provincial legislative assemblies and during Congress sessions held at Faizpur (1936), Lucknow (1936), Haripura (1938), and Tripuri (1939), the Indian National Congress consistently reaffirmed its position that India would only accept a constitution drafted by its people, free from British interference. The party rejected any constitutional framework devised under imperial influence, emphasizing that legitimate nationhood could only be built on a foundation of self-determination and democratic principles⁵².

In 1942 the British government sent the Cripps Mission to India to secure Indian cooperation during World War II. Although the mission ultimately failed, it was significant in that it acknowledged, for the first time, the possibility of establishing a Constituent Assembly—even if the proposed assembly would have included British nominees. This step marked a shift, however limited, in official British recognition of Indian aspirations for self-determined constitution-making. Roy noted,

“A concrete suggestion about the realization of the idea of the Constituent Assembly was finally made in the offer of British War Cabinet with which Sir Stafford Cripps came to this country last year. The Constituent Assembly visualised in the Cripps offer, however, would not be an instrument in the hands of Indian people to exercise their sovereign right of self-determination. The proposal was that Provincial Legislative Assemblies elected under the Government of India Act, 1935 would meet as Constituent Assembly.”⁵³

It was not until the Cabinet Mission Plan of 1946 that the idea of a Constituent Assembly gained formal political legitimacy. The Plan proposed the formation of a Constituent Assembly to draft India’s Constitution, marking a critical turning point. Elections to the Assembly were held that

⁵⁰ Ibid p 37-38

⁵¹ Samaren Roy (1997) p 111-112

⁵² Austin Granville (1966) *The Indian Constitution: Cornerstone of A Nation*, Clarendon Press, Oxford

⁵³ Roy MN (1944) *National Government or People’s Government*, Radical Democratic Party, Delhi p. 65-66.

same year, and the Constituent Assembly of India convened for the first time on 9 December 1946—thus beginning the process of framing the foundational document of independent India.

Different Views of the Idea of the Constituent Assembly

The idea of forming a Constituent Assembly in India was met with varying perspectives among political leaders and parties, reflecting their differing visions for the future Indian state. For instance, Mahatma Gandhi viewed the nation-state through the lens of a shared, homogenous national culture rooted in moral and spiritual values. Initially, he was ambivalent; later, Gandhi supported the concept of a Constituent Assembly⁵⁴. Gandhi emphasized that its legitimacy should emerge from a mutual understanding between Indians and the British. He wrote:

“The Constituent Assembly, if it comes into being, as I hope it will, as a result of an honourable settlement between us and the British people, the combined wit of the two nations will produce an assembly that will reflect fairly, truly the best mind of India... The principal hindrance is undoubtedly the British Government. If they can summon a Round Table Conference, as they purpose to do after the war, they can surely summon a Constituent Assembly, subject to safeguards to the satisfaction of minorities.”⁵⁵

Gandhi thus acknowledged both the necessity and challenges of establishing such an assembly while advocating for minority protections within a negotiated framework. Granville Austin⁵⁶ notes that although Mahatma Gandhi was initially sceptical about the idea of a Constituent Assembly, he eventually grew supportive of it. In his article *The Only Way*, published in *Harijan* on 12 November 1939, Gandhi expressed his conviction that a Constituent Assembly was the most appropriate mechanism for addressing India's communal issues.

On the other hand, Pandit Jawaharlal Nehru took a more assertive and democratic stance. On 28 December 1936, at the Faizpur Session of the Indian National Congress, he moved a resolution that explicitly rejected the Government of India Act of 1935, which he saw as inadequate and undemocratic. He declared:

“The Congress stands for a genuinely democratic state in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a state can only come into existence through a Constituent Assembly, elected by adult suffrage and having the power to determine finally the constitution of the country.”

Nehru's vision emphasized a Constituent Assembly founded on an adult franchise, fully empowered to shape the future of a sovereign and democratic India. While defining the Constituent Assembly, Nehru wrote,

“A Constituent Assembly may be any Assembly which draws up a constitution of a country. And yet this is a poor enough definition of it. The real conception of such an

⁵⁴ Shekhawat, Vineeta and Vibhuti Shekhawat (1990) Indian Constitution: Model Designing and Summation. *The Indian Journal of Political Science*, 51(1) 54–74.

⁵⁵ As quoted by GN Singh (1941) *supra* n. 13 p. 264

⁵⁶ Austin Granville (1966) *The Indian Constitution: Cornerstone of A Nation*, Clarendon Press, Oxford p.3

Assembly is a dynamic one. It does not mean a body of people, or a gathering of able lawyers, who are intent on drawing up a constitution. It means a nation on the move, throwing away the shell of its past political and possibly social structure and fashioning for itself a new garment of its own making. It means the masses of a country in action through their elected representatives.”⁵⁷

While declaring the objectives of the Constituent Assembly, Pandit Nehru, in his speech on 13 December 1946 stated,

“In this Constituent Assembly, we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is witness to what we are doing here and though the future is still unborn, the future too somehow looks at us.”⁵⁸

These developments illustrate the evolution of the Constituent Assembly from a hopeful proposal into a concrete political demand—central to India’s struggle for independence and democratic self-determination.

However, Roy critiqued the Indian National Congress for its limited approach. He argued that while the Congress, at its 1928 session in Calcutta, assumed the responsibility of drafting a constitution and demanded Dominion Status within the British Empire, it did not incorporate the idea of a Constituent Assembly into its formal programme. He elaborated that Congress viewed constitutional reform primarily as a transfer of political power from the British to Indian hands rather than as a revolutionary act of foundational transformation. In Roy’s view, the Congress lacked a concrete plan and a visionary framework for a truly democratic and representative Constituent Assembly.

Ambedkar’s Views on the Making of the Constituent Assembly

Dr. B.R. Ambedkar was initially apprehensive about constitution-making through a Constituent Assembly, fearing that it might be dominated by powerful and elite sections of society. However, later, he came to see the Assembly as a vital mechanism for nation-building, provided it upheld the principles of representation and justice. In a [speech](#) delivered in Bombay on 6 May 1945⁵⁹, he expressed his concerns, stating:

"Should there be a Constituent Assembly, charged with the function of making a Constitution?...I must state that I am wholly opposed to the proposals of a Constituent Assembly. It is absolutely superfluous. I regard it as a most dangerous project, which

⁵⁷ Pt Nehru wrote in a Foreword to a Book on Constituent Assembly and Indian Federation by YG Krishnamurthy

⁵⁸ Lok Sabha Secretariat (1990) The Constitution and the Constituent Assembly: Some Selected Speeches https://eparlib.nic.in/bitstream/123456789/58229/1/constitution_constituent_Assembly.pdf

⁵⁹ Ambedkar BR (1945) Communal Deadlock and a Way to Solve it, Address delivered at the Session of All India Schedule Caste Federation held in Bombay on 6 May 1945 <http://www.ambedkar.org/ambcd/09.%20Communal%20Deadlock%20and%20a%20Way%20to%20Solve%20It.htm>

may involve this country in a Civil War. In the first place, I do not see why a Constituent Assembly is at all necessary."

Ambedkar's opposition was primarily rooted in his concern over the communal question and the representation of minorities. He argued that the true challenge lay in ensuring the fair and effective representation of minorities within the Assembly preventing decisions from being imposed by a majority. He viewed majoritarianism and the dominance of any single group's interests as a significant problem that could undermine the democratic process.

Ambedkar was particularly critical of the solutions suggested by the British-led Cripps Commission (1942) and the Sapru Committee (1945), both of which outlined the method of forming the Constituent Assembly. He opposed the differential treatment of groups and the majority rule, advocating instead for guaranteed political rights and representation for marginalized communities in the legislature, the executive, and public services.

Once appointed as Chairman of the Drafting Committee, Ambedkar engaged deeply with the constitutional process and defended the Assembly against criticisms regarding its legitimacy and composition. He viewed the Constitution not as a legal document but as a tool for radical social transformation. He argued that, despite its limitations, the Assembly was sufficiently representative and capable of framing a democratic constitution suited to India's needs. Ambedkar's contributions were transformative, particularly in embedding principles of social justice, safeguarding minorities' rights, and securing constitutional protections for Dalits.

The Communists and Socialists Opposed the Constituent Assembly

The Communists and Socialists initially opposed the Constituent Assembly on ideological and political grounds. Their opposition was rooted in their broader critique of the colonial state, the Indian National Congress's leadership, and what they perceived as the limitations of the Assembly's structure and authority⁶⁰. They argued that only a socialist revolution could truly address India's deep-rooted class and caste inequalities.

Dr. Ambedkar⁶¹, in the Constituent Assembly, on 25 November 1949 criticized the Communist and Socialist leaders for condemning the Constitution and for failing to participate constructively in its framing. He stated,

"The condemnation of the Constitution largely comes from two quarters - the Communist Party and the Socialist Party. Why do they condemn the Constitution? Is it because it is really a bad Constitution? I venture to say, 'no'. The Communist Party wants a Constitution based upon the principle of Dictatorship of the Proletariat. They condemn the Constitution because it is based upon Parliamentary democracy. The Socialists want two things. The first thing they want is that if they come to power, the Constitution must give them the freedom to nationalize or socialize all private property

⁶⁰ Dutt Palme R (1940) *India Today*, Victor Gollancz Ltd, London

⁶¹ Ambedkar BR (1949) https://eparlib.nic.in/bitstream/123456789/763285/1/cad_25-11-1949.pdf p. 975

without payment of compensation. The second thing that the Socialists want is that the Fundamental Rights mentioned in the Constitution must be absolute and without any limitations so that if their Party fails to come to power, they would have the unfettered freedom not merely to criticize, but also to overthrow the State”.

Rooted in Marxist ideology, the Communists believed that a genuine transformation of the social and political order could only be achieved through a violent proletarian revolution, not through constitutional reforms initiated within the framework of the colonial state or negotiated settlements with imperial powers. To the Communists and the Socialists, the Constituent Assembly appeared as a bourgeois institution that would preserve the existing class structure under a different guise. Samaren Roy⁶² wrote,

“The CSP, however, refused to take up the slogan of Constituent Assembly. Roy was both puzzled and dismayed: “What is the alternative slogan? Soviet? Except for the fantastic (because for a long time impractical) slogan advocated by the official communists, no alternative to the slogan of the Constituent Assembly has yet been formulated from any side. This means the inability to visualize the basic political issue underlying the ideal of independence, namely the capture of power.”

Only in 1934, during its Bombay Conference, CSP endorsed the call to mobilize the masses around the demand for a Constituent Assembly. Samaren Roy⁶³ annoyingly penned,

“The communist accepted this (slogan for the Constituent Assembly) two years later, but qualify it by saying that the Constituent Assembly should not be considered as an alternative to the Soviets.”

Qurban Ali,⁶⁴ a senior journalist, later reflected on how the Indian communists and socialists made critical mistakes that undermined the aspirations of the freedom struggle. He criticized their failure to engage in the drafting of the Constitution or take an active role in the Constituent Assembly. Expressing his frustrations, he stated,

“The CPI didn’t participate in the process of Constitution-making and called it a ‘Charter of slavery’. The Party reacted to the new Indian constitution in 1949 brazenly. The manifesto of the Central Committee of the Communist Party of India described it as a ‘slave constitution, representing a conspiracy on the part of the Indian capitalist class and British imperialism’. The party called it “a constitution of fascist tyranny, a monstrous constitution, and a fraud...On the other hand, some of the top Socialist leaders like Acharya Narendar Deva, Jayaprakash Narayan, Rammanohar Lohia, Faridul Haq Ansari, Kamladevi Chattopadhyaya, Yusuf Meherally, Aruna Asaf Ali and Asoka Mehta did not join the Constituent Assembly. In fact, they boycotted the Constituent Assembly. They even went to the extent of suggesting dissolution of the Constituent Assembly and its re-election by adult suffrage. Jayaprakash Narayan, who refused to join the Constituent Assembly, felt that the Constitution would prove to be a

⁶² Roy Samaren (1997) p. 113

⁶³ Ibid. p. 113

⁶⁴ Ali Qurban (2016) Blunders of Communists and Socialists, *Janata*, January 31, p. 10-14 <https://lohiatoday.com/wp-content/uploads/2018/09/blunders-communists-socialists.pdf>

dead letter. According to Acharya Narendra Deva, it did not reflect or represent the aspirations and the will of the people”.

In contrast, Roy, a former communist and one of the key champions of the International communist movement, viewed the Constituent Assembly as a revolutionary instrument for transforming Indian society through democratic processes. In his work *New Orientation*, Roy described how the Communist Party rejected his idea of a Constituent Assembly because it did not align with their vision of armed class struggle. He critiqued the actions of the party leaders stating that,

“Do you remember our controversy with the Communist Party about the Constituent Assembly? Already then, we were visualizing new ways of revolution. I do not know how many of you were present at the Faizpur Congress when Dange polemised against me. He said that the Constituent Assembly would rise after the capture of power. What is your instrument of capturing power? His instrument was the Communist Party. The Constituent Assembly was only a slogan for them to deceive people. We were honest about it. We thought in India, the proletariat or any other single class was not strong enough to capture power....The old revolutionaries and new revolutionaries together constitute no more than five percent of people. Cannot a new Messiah come out of the remaining ninety-five percent? The answer to that question posed by history was our idea of a Constituent Assembly. Because that was a new way of revolution, orthodox Marxists were incapable of seeing it.”⁶⁵

This divergence highlighted a fundamental ideological split: while the Communist Party’s opposition also stemmed from its broader revolutionary goals, Roy believed that mass participation in the formation of a constitution could be a revolutionary act, that would empower the masses. It would lay the groundwork for a new social order through democratic consent rather than force. Roy advocated for a constructive revolution through democratic processes and institutions.

Roy’s Views on Forming the Constituent Assembly

Roy firmly opposed the authority of the British Parliament to establish any such body in India to frame its constitution. He believed that the right to draft the constitution of a free India rested solely with the Indian people. In this spirit, Roy urged that all political parties boycotting the Simon Commission should issue a joint declaration affirming that the task of constitution-making belonged exclusively to Indians and that the constitution must be framed by a Constituent Assembly elected by the people of India⁶⁶.

Roy envisioned the Constituent Assembly not merely as a legal mechanism but as a powerful political tool capable of shaping the destiny of a free India. He described its members as the “*makers of India’s destiny*”—individuals charged with the immense responsibility of founding

⁶⁵ Roy MN (1946) *New Orientation* p. 130-131.

⁶⁶ Roy MN (1940) *supra* n. 1

a new democratic order. To him, this task demanded “*necessary realism and soberness*”—a clear-sighted, pragmatic approach rooted in democratic principles and mass participation⁶⁷.

Central to Roy’s vision was his faith in the people’s power to frame the Constitution. He argued that history had shown that genuine Constituent Assemblies emerge from popular revolts, where people struggle to capture political power. According to him, the Constituent Assembly must be the instrument of that capture—a revolutionary body shaped by mass participation and driven by democratic ideals. He noted,

“A Constituent Assembly is not the Parliament. It is not a legislative body. It is created by a revolutionary movement, having for its object the subversion of established conditions and the establishment of the authority of oppressed and exploited.”⁶⁸

Roy viewed the Constituent Assembly as an expression of the Indian people’s right to self-determination and self-rule. Just as Ambedkar rejected the idea of the Constituent Assembly suggested by the Cripps Commission, Roy too dismissed it on the ground that it would take away people’s right to exercise sovereignty⁶⁹. For Roy, the idea was not merely procedural but profoundly political—an assertion of people’s sovereignty. He wrote:

“The idea of the Constituent Assembly means the determination of the Indian people to create an organ of power for asserting their right of self-determination. A right has no meaning unless it can be asserted. For asserting its right, the Indian people should create a weapon appropriate for the purpose.”⁷⁰

In essence, Roy’s vision was revolutionary. He argued that the Constituent Assembly would not just draft laws but fundamentally redefine the relationship between the state and its citizens. In his *New Orientation*⁷¹, he described,

“The idea of Constituent Assembly was introduced in the country by us. We visualized the rise of the Constituent Assembly as the organ of popular sovereignty capturing power from Imperialism to transfer power to themselves.”

In the context of growing Fascism in Europe, Roy believed that the Constituent Assembly was not just a forum for legal deliberation, but a battleground between Fascism and Radicalism—a space where the future political character of India would be decided⁷². He strongly advocated radicalizing and democratizing the Indian National Congress, urging it to become more participatory and people-oriented.

Roy viewed the Assembly as an expression of the spirit of rebellion—one that could evolve into a powerful force to champion the cause of peasants and address the core issues of a bourgeois-democratic revolution under the political leadership of the proletariat. His radical

⁶⁷ Roy MN (1941) Federation of Confederation? Editorial. *Independent India* 5(17) April 27. https://www.academia.edu/129473601/FEDERATION_OR_CONFEDERATION

⁶⁸ Roy MN (1940) supra n. 1

⁶⁹ Roy MN (1944) *National Government or People’s Government*, Radical Democratic Party, Delhi p.66

⁷⁰ Roy MN (1940) supra n.1

⁷¹ Roy MN (1946) *New Orientation*: Lectures Delivered at the Political Study Camp, Dehradun from 8 May to 18 May, Indian Renaissance Institute, Delhi p.128

⁷² Roy (1946) *New Orientation* p. 128

ideas were derived from the French Revolution or in other words, 'Jacobinism and not Communism'⁷³. Samaren Roy⁷⁴ noted,

“When he (Roy) urged Congressmen to adopt the demand for convening the Constituent Assembly to draft the Constitution of Free India, he was in reality “aiming at the Jacobian Convention which represented the forces of petty-bourgeois radicalism.”

Roy's conception went far beyond the technical task of drafting a document. He saw the Constituent Assembly as the embodiment of a revolutionary moment, a transformative process in which citizens took ownership of their political destiny. According to Roy,

“A new Constitution is made by the virtue of power. It is not an act of formal legislation. A Constituent Assembly is not a Parliament. It is not a legislative body. It is created by a revolutionary movement, having for its object the subversion of the established conditions and the establishment of the authority of the oppressed and exploited.”⁷⁵

To Roy, the Assembly was not merely a formal body to draft a constitution, but an organ of struggle through which the oppressed and exploited masses could seize political power. He did not see the Constituent Assembly as the constitutional author in a narrow legal sense, but rather as a means to implement a programme of national democratic revolution, shaped by the demands of the oppressed classes. He argued that organized and radical democracy can be established when political power is vested in the hands of the people. He wrote,

“The constitution of a free India must devise way and means by which the exploited masses will be placed in a position to assert their will as free agents in the governance of the country. This cannot be done unless the constitution abolishes private property on land, which remains the main means of production in the country, and protects the workers from the exploitation and insecurity inherent in the capitalist mode of production. Steps must be taken to bring the legislative as well as executive functions of the State under the effective control of the people freed from the economic domination of a privileged minority. In the absence of such provisions in the constitution, democracy in India will be only another name for Fascism.”⁷⁶

Roy's belief in the active engagement of the people, his emphasis on popular sovereignty, and his call for a radical democratization of society set his vision apart from his contemporaries. Roy understood that the Assembly should reflect the aspirations of the masses and be driven by the struggles for freedom, rather than just the interests of the political elite. His ideas went beyond the traditional framework of constitutionalism, seeking to create a system of governance that was not only just but also deeply inclusive and participatory. As early as 1923, in one of his letters, Roy⁷⁷ wrote,

⁷³ Roy Samaren (1997) *MN Roy: A Political Biography*, Orient Longman Limited, Hyderabad. P. 94

⁷⁴ Ibid. P. 94

⁷⁵ Roy MN (1940) *supra* n.1

⁷⁶ Roy MN (1941) Essentials of Democratic Constitution, *Independent India* 8(46) 12 November, available https://www.academia.edu/129474080/ESSENTIALS_OF_DEMOCRATIC_CONSTITUTION

⁷⁷ Roy MN (1923) *On the Duty of Revolutionary Intellectuals*, Political Letters, The Vanguard Book Shop, 1924, Zurich, Available at <https://www.marxists.org/archive/roy/1923/08/15.htm>

“We can prove ourselves different from the rest *only when we recognise the fact that our relation with the working-class is neither one of humanitarianism, nor of political exigency, but that it is an organic relation of common interests. The interest of our class is irrevocably interlinked with that of the working-class... We call upon all those who are honestly convinced that the road to freedom lies this way, to throw themselves into the great work of organizing a mass-party of the Indian workers and peasants upon a programme of economic and social emancipation, and under the slogan a “Not the Masses for Revolution, but Revolution for the Masses.”*”

Hence, Roy’s idea of a Constituent Assembly was unique. He envisioned it not merely as a constitutional formality, but as a revolutionary body rooted in mass participation, which genuinely reflected the aspirations, struggles, and democratic will of the Indian people. His vision of the Constituent Assembly was broader and more nuanced than that of many of his contemporaries. While others focused on the technicalities of governance and the transfer of political power, Roy saw the Constituent Assembly as a revolutionary body that frames a legal document and acts as a catalyst for social and political transformation⁷⁸.

Roy’s Expanded the Vision of the Constituent Assembly

In his work, *National Government or People’s Government*⁷⁹, Roy elaborated his vision of the Constituent Assembly. He proposed that the Assembly should be composed of representatives elected by universal adult suffrage, ensuring that it reflected the people’s will. Recognizing the widespread backwardness and illiteracy among the masses, Roy stressed that political parties and leaders bore the responsibility of improving the economic and material conditions of the people enabling their meaningful participation in democratic processes.

Roy believed that political education was a critical component of this transformation. He suggested that his Radical Democratic Party could take the initiative in this task, serving as a vehicle for economic upliftment and political awakening. As outlined in the party’s manifesto of the Radical Democratic Party, Roy envisioned People’s Committees as grassroots democratic bodies that would organize and mobilize the electorate. These committees would act as the foundational instruments for preparing the people to elect their representatives and participate actively in the Constituent Assembly, turning the constitution-making into a broad-based democratic movement. He wrote,

⁷⁸ In previous work, this author has examined the resistance to gendered notions of citizenship, arguing that the dominant top-down approach during colonial rule promoted conservative ideas of citizenship that systematically marginalized women. In contrast, the progressive framework sought to advance women's citizenship rights and challenge patriarchal structures. For a detailed discussion, see: Nigam, Shalu (2025), *Resisting Gendered Citizenship: The Politics of Colonialism, Nationalism, and Maternalism in India*, *Gender and Women's Studies*, 6(1) 1-24 <https://riverapublications.com/article/resisting-gendered-citizenship-the-politics-of-colonialism-nationalism-and-maternalism-in-india>. M.N. Roy’s views resonate with this progressive strand. While fiercely advocating for convening a Constituent Assembly, Roy consistently emphasized the rights of the oppressed and marginalized. His philosophy of Radical Humanism goes beyond conventional political frameworks, articulating a vision rooted in equity, democratic participation, and social justice.

⁷⁹ Roy MN (1944) *National Government or People’s Government*, Radical Democratic Party, Delhi

“People’s Committees set up by the local People’s Convention will elect the delegates to the Constituent Assembly, which will meet ultimately to give the legal sanction to the Constitution worked out in detail on the basis of Fundamental Principles endorsed by the National People’s Convention.”⁸⁰

Though Roy dismantled the Radical Democratic Party in 1948, following India’s independence, the core democratic principles he championed remained central to his thought. Roy believed that the political landscape had changed fundamentally after independence. In his view, the immediate goals of the Radical Democratic Party had been largely achieved. However, the future required more than political organization—it demanded a new ethical and intellectual foundation. This belief led him to develop a broader philosophical framework Radical Humanism, a comprehensive alternative to liberal democracy and Marxism, rooted in rationalism, individual freedom, and social responsibility.

Despite this shift in Roy’s approach, his vision of a truly representative Constituent Assembly, democratic constitution-making, and the strengthening of participatory democracy hold relevance even today. In 1944, Roy authored the *Draft Constitution of Free India*, a visionary document that expressed his ideas for a just and democratic post-colonial society⁸¹. In it, he placed strong emphasis on the rights of workers and peasants, recognizing them as the backbone of the nation and essential participants in the democratic process. Roy proposed the creation of a decentralized network of *People’s Committees*, democratically elected by local citizens, to ensure direct participation in governance and decision-making. These committees were envisioned as instruments of political empowerment, intended to give ordinary people a meaningful voice in shaping their communities and the nation at large.

Simultaneously, in 1944, Roy also authored the *People’s Plan for Post-war Economic Reconstruction in India*. In this work, he emphasized the need to develop the rural and agrarian sectors as a means to eliminate poverty, overcome backwardness, and strengthen the internal market—an essential foundation for industrial growth. Roy recognized the revolutionary potential of the peasantry as a critical factor in national development. He argued that sustainable industrial progress must be rooted in a strong agricultural base, which would, in turn, help increase the purchasing power of the masses.

Central to Roy’s vision was the idea of political education—he believed that true democracy could not thrive without an informed and engaged citizenry. By encouraging grassroots participation and fostering a culture of critical thinking, Roy aimed to cultivate civic responsibility and prevent the rise of authoritarianism. His framework offered not just a roadmap for India, but also enduring insights for democratic societies worldwide, highlighting the importance of participatory governance, individual rights, and the continuous education of citizens in sustaining a vibrant democracy.

⁸⁰ Ibid. p. 81

⁸¹ Roy MN (1944) *Draft Constitution of Free India*, <https://lohiatoday.com/wp-content/uploads/2018/09/draftconstitution.pdf>

Roy's Critique of the Selected Constituent Assembly

The Constituent Assembly established in 1946 diverged significantly from the vision originally put forth by Roy, who championed widespread participation and the inclusion of the masses. Roy envisioned a democratic, participatory process where the Constitution would be shaped through the direct involvement of ordinary citizens, rather than solely by elites or political leaders. Although the Assembly of 1946 did incorporate a variety of political views and social groups, it faced criticism for being elitist and falling short of the diverse, grassroots engagement Roy had hoped for. Samaren Roy⁸² explained this difference between the idea and its implementation in practice and how Roy's idea was discarded,

“Roy's plan for a Constituent Assembly which he first sent to Indian National Congress in 1927, was turned into a non-revolutionary formal slogan devoid of its political intent, by the Congress and the Socialists. Roy wanted the Congress to transform itself into a Constituent Assembly and use that to capture power. In the process, he wanted the Leftists to capture the organization of the Congress in line with the idea of 'revolution from below', which he once again wanted to experiment with India. That seemed almost achieved when Subhash Chandra Bose was re-elected as the President of Congress for the second term defeating Gandhi's candidate, Pattabhi Sitaramaya. But Bose surrendering to Gandhi's pressure, could not form a working committee of his own and finally resigned. The Socialists too wavered at this point weakening the Left consolidation. That was the biggest setback to Roy's plan...”

Samaren Roy⁸³ discussed how Roy and Gandhi represented two opposing ends of the Indian political spectrum. While Gandhi advocated for political freedom alongside minimal social change within the existing feudal structure, Roy put forward a radical vision for social transformation. He sought to eliminate dogma, superstition, and backwardness, emphasizing the need for active citizenship in the process.

Roy's critique of Gandhi's ideology, his demand for an alternative secular leadership, and his persistent call for a Constituent Assembly led the established Congress leadership to turn against him⁸⁴. His radical ideas, rooted in demands for social, economic, and cultural revolution, set him apart in the increasingly populist political climate of the time.

In his posthumously published work *Politics, Power, and Parties*⁸⁵, Roy offered a pointed critique of the Indian Constituent Assembly. He argued that the Assembly, selected by Indian leaders, represented less than 12 percent of the population despite claiming to speak for the entire nation in its struggle against British rule. According to Roy, most of its members were aligned with party interests rather than with the genuine will of the people. He wrote,

“A Constituent Assembly is meeting in Delhi. It has been elected by less than 12 percent of people....Once the Constitution is framed and power transferred to Indian hands,

⁸² Roy Samaren (1997) p. 122

⁸³ Roy Samaren (1987) *MN Roy and Mahatma Gandhi*, South Asia Books, USA

⁸⁴ Ray Sibnarayan (1987) *Selected Work of MN Roy*, Volume 1, OUP. P. 37

⁸⁵ Roy MN (1960) *Politics, Power, and Parties*, Renaissance Publishers Private Ltd, Calcutta

power will have been transferred to the representatives of 12 percent of the people. Not even that. Because a large majority of this 12 percent did not vote consciously and intelligently for those particular gentlemen. They voted in many instances, simply because they were dragged to the polling stations like dumb driven cattle and voted as they were told so by those who dragged them. Actually, this Constituent Assembly represents perhaps not even one percent of people, which should be the food for thought for the advocates of parliamentary democracy. Thus, when India becomes nationally independent, she will have the privilege of being ruled by the minority government representing a very small percentage of people.”⁸⁶

Roy contended that true representatives must act as genuine voices of the people, articulating not merely the political objectives of their parties but the actual needs, concerns, and aspirations of the electorate. According to him, the essence of democracy is compromised when representatives prioritize party loyalty, ideological alignment, or elite interests over the real, lived experiences of the broader population. In his view, the disconnect between party agendas and popular aspirations poses a serious challenge to the legitimacy of representative democracy, especially in a diverse and complex nation. Therefore, he emphasized that political legitimacy must be rooted in a representative’s accountability to the people, not just their party hierarchy.

Drawing on his personal experiences, Roy later became acutely aware of how demagogues could sway public opinion for their vested ends. This realization led him to champion the idea of ‘partyless politics’ as a way to restore genuine democratic representation⁸⁷. He envisioned a new social order grounded in radical democratic ideals, guided by scientific reasoning, moral values, and rational thought⁸⁸. Roy strongly opposed the subjugation of an individual to the collective ego of a group such as nations or classes. He asserted that the true measure of human progress lies in the freedom of the individual.

Summing Up

Finally, the Constituent Assembly of India was constituted in 1946, comprising 299 members, including 15 pioneering women. This historic body successfully undertook the monumental task of drafting the Indian Constitution. However, the contributions of many visionaries—such as M.N. Roy, who was instrumental in conceptualizing the idea of a Constituent Assembly—and the significant role played by the 15 women members have largely remained invisible and unacknowledged in mainstream historical narratives⁸⁹.

This crucial part of India’s constitutional history has, for the most part, been neglected in school and university curricula. Even law colleges, which ought to be at the forefront of constitutional

⁸⁶ Ibid p. 203

⁸⁷ Bhambhri, Chander Prakash (1960). M.N. Roy’s New Humanism. *The Indian Journal of Political Science*, 21(3), 252–256.

⁸⁸ Sinha, LP (1960) Towards A Partyless Democratic State? *The Indian Journal of Political Science*, 21(4) 347–354.

⁸⁹ Nigam Shalu (2025) Democracy, Citizenship, and Political participation of Indian Women: Past, Present and Future, *countercurrents.org*, March 7, <https://countercurrents.org/2025/03/democracy-citizenship-and-political-participation-of-indian-women-past-present-and-future/>

education, have often failed to emphasize the diverse and inclusive nature of the Assembly. The absence of these stories from our collective memory reflects a deeper issue: the selective remembrance of history that overlooks the grassroots visionaries, reformers, and women who helped shape the foundation of India's democracy. Unearthing and recognizing these hidden contributions is not just about setting the historical record straight—it is essential for fostering a richer, more inclusive understanding of constitutionalism in India.

At a time when democratic institutions are under strain globally—facing an alarming convergence of challenges such as the resurgence of authoritarianism, the erosion of civil liberties, growing political polarization, and a pervasive decline in public trust—Roy's intellectual and political legacy stands out as a compelling and timely reminder of the deeper meaning of constitutionalism. In a world where the mere presence of legal frameworks and institutional structures is increasingly insufficient to safeguard democracy, Roy challenges us to rethink the foundations of democratic life.

For Roy, constitutionalism was never a technical or legalistic exercise. It was not about entrenching authority in distant institutions or entrusting governance to a narrow elite of experts and officials. Instead, he believed that the vitality of a constitution and the legitimacy of any political system depends fundamentally on conscious, informed, active, and sustained citizen engagement. In his view, a democratic constitution derives its authority not from the benevolence of rulers or the expertise of legal scholars but from the moral agency and collective will of the people themselves.

Roy emphasized that a constitution gains its legitimacy not from the authority of rulers or experts but from the conscious and informed people's participation in shaping their collective destiny. His insistence on grassroots involvement, decentralized democratic practices, democratic accountability, and moral responsibility continues to resonate today, urging societies to move beyond formal democracy toward a more participatory and inclusive political culture—where citizens are not passive subjects of governance but their active co-creators.

Central to Roy's vision was the idea that democracy must be lived and practiced daily, not merely institutionalized. This meant fostering widespread political education to enable citizens to actively participate in public life as informed and critical thinkers. It meant cultivating a culture of civic responsibility and accountability, where individuals see themselves not as passive recipients of policy decisions but as active agents capable of shaping their social and political destinies. Rather democracy must be deeply rooted in the active engagement of citizens, widespread political education, and the unwavering recognition of the people as the ultimate source of sovereign power⁹⁰.

His advocacy for participatory democracy was grounded in dialogue, mutual respect, and moral responsibility. It offers an alternative to the growing technocratic and top-down models of governance that often alienate citizens and erode democratic legitimacy⁹¹. In urging societies

⁹⁰ Nigam Shalu (2024) Strengthening the Idea of Participatory Democracy in the Indian Context, *Mainstream Weekly* 62(25-27) <https://www.mainstreamweekly.net/article14797.html>

⁹¹ Nigam Shalu (2024) *Human Rights in Everyday Life in India: A Praxis from Below*, We the People Network, Delhi NCR <https://amzn.in/d/azw6lzB>

to move beyond the facade of formal democracy, Roy calls for a reinvigoration of civic life, where democratic engagement is not limited to periodic voting but becomes an everyday practice of co-creation and shared governance. He emphasizes the crucial role of the oppressed in shaping the decisions and processes of everyday governance.

Moving away from the idea of parliamentary democracy, Roy envisioned the involvement of the oppressed not just as a matter of representation, but fundamentally reshaping the political landscape. In this vision, governance becomes a collective process where power is distributed equitably, and all citizens, especially the marginalized play a crucial role in co-creating the policies and systems that impact their lives.

Thus, Roy's legacy is more than a historical reflection; it is a clarion call for our times. It challenges contemporary societies to reimagine democracy as a living, breathing process that must be continuously nurtured by the people. Only through participatory democracy, can we hope to build political systems that are truly inclusive, resilient, and reflective of the sovereign people's will.